



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

AUGUST 1, 2011

7:00 P.M.

• **5:00 pm – FINANCE COMMITTEE MEETING**

A. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

3. COMMUNICATIONS

- a. Email/Legal Opinion Janet Hughes, Hughes Brothers/HBA – Request for Inclusion on Agenda by Linda Valcourt
- b. David Crocker/Town re: Legal Status of 2001 Comprehensive Plan

4. REPORTS

- a. Finance Committee Minutes – 7/18/2011
- b. Infrastructure Committee Minutes – 7/25/2011
- c. Communications Committee Minutes – 7/21/2011

B. PUBLIC COMMENTS

C. POLICY AGENDA

1. PUBLIC HEARINGS

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Nomination Papers Available August 10th –Town Council, Districts 1-4, SAD #22 Board of Directors and Water District Board of Trustees

3. UNFINISHED BUSINESS

- a. MDOT Sidewalk Grant Acceptance
- b. Chevron/City of Bangor Request for use of Sewer System – Infrastructure Committee Recommendation
- c. Bid Award – (2) 1-ton Trucks – Public Works Dept. – Infrastructure Committee Recommendation

NOTE: The Council will take a 5-minute recess at 8:00 pm.

- d. Proposed Zoning Ordinance and Shoreland Zoning Text Amendments re Definition of Family – Introduction for Public Hearing
- e. Committee on Committees Recommendation to Accept Draft Departmental Handbooks for Pool, Library and Recreation Departments Until Comprehensive Plan is Complete
- f. Committee on Committees Recommendation for Services Committee to Inventory Parks, Trails and Town-owned Open Space

4. NEW BUSINESS

- a. Acceptance of Urban/Rural Initiative Program Funds – Infrastructure Committee Recommendation
- b. Papermill Road Culvert Replacement – Infrastructure/Finance Committee Recommendations
- c. Notice of Boat Abandonment – 12 M.R.S § 1866(2)(C)
- d. Sewer Commitment – 4/1/2011 to 6/30/2011
- e. Application for Renewal of Victualers License received from Hampden Country Club, 25 Thomas Road

D. COMMITTEE REPORTS

E. MANAGER'S REPORT

F. COUNCILORS' COMMENTS

G. ADJOURNMENT

A-3-a

Requesting an Item to be added to the next Town Council meeting agenda

5 messages

Valcourt5@aol.com <Valcourt5@aol.com>

Wed, Jul 20, 2011 at 8:57 PM

To: manager@hampdenmaine.gov

Hello Sue,

I would like to have the following item added to the next Town Council Meeting agenda: Email from Janet Hughes to HBA Members & the Town Attorney's Opinion. I attended the July 18th Hampden Town Council meeting to hear the results of this but it was not discussed. Thank you.

Linda Valcourt

Susan Lessard <manager@hampdenmaine.gov>

Fri, Jul 22, 2011 at 8:45 AM

To: Valcourt5@aol.com

Cc: wrighttowncouncil@gmail.com, Andre Cushing <andrec@roadrunner.com>, Bill Shakespeare <wmshakespeare@hotmail.com>, Denise <clerk@hampdenmaine.gov>, Janet Hughes <hughestowncouncil@gmail.com>, Jean Lawlis <lawlistowncouncil@gmail.com>, Kristen L Hornbrook <hornbrooktowncouncil@gmail.com>, "Thomas A. Russell" <tar@frrlegal.com>, Tom Brann <hampdendistrict2@hotmail.com>

Good Morning -

This item was on the consent agenda of the last meeting at the request of Councilor Hornbrook. No one requested that it be pulled from that agenda for discussion. Some discussion of it was held as part of the Finance Committee meeting prior to that meeting because the agenda for the Finance Committee meeting was primarily for a discussion of the Code of Ethics and Council rules that are being reviewed. That process is not completed and those subjects will be back on the next Finance Committee meeting agenda as well.

I will put this item back on the Council agenda as a citizen request for the next meeting.

Stay cool in all this heat!
Sue Lessard

Hi Sue,

Per the request of several residents, please include the e-mail below under the Consent Agenda for the next Council meeting.

Thank you.

Enjoy this lovely summer day!

Kristen

From: J Hughes [mailto:jhughes@hughesbrosinc.com]

Sent: Monday, June 13, 2011 9:44 AM

To: 'Ken White'; info@alsafestorage.com; Amanda.LeClair.m2fd@statefarm.com; andrec@roadrunner.com; astew10136@aol.com; anghair2003@yahoo.com; anglers@gwi.net; ken@anglersrestaurant.net; vicki.bessette@bangor.com; bdstar@midmaine.com; rajgant@roadrunner.com; hampdenflorist@tds.net; cmhdbrian@roadrunner.com; c.torrey@tds.net; c.burger@katahdintrust.com; cmaher@camdennational.com; cbrmall@roadrunner.com; cclendenning1@yahoo.com; doc@hampdencomputer.com; cutriclan@yahoo.com; 'Danelle Weston'; 'David Plowman'; Donna.Thompson@deadriver.com; economicdevelopment@hampdenmaine.gov; DebraPlowman@cs.com; dhiggins@hamlinsmarina.com; don.meagher@casella.com; 'Donald J. Poisson'; 'Emil Genest'; jfoster@fosterimaging.com; frostsgarage@tds.net; garryg@roadrunner.com; GoodwinGlassAndGraphics@tds.net; heatmastr42@aol.com; brian@hobouchard.com; jim@kiser-kiser.com; hampdennaturalfoods@live.com; 'Joshua Howes'; 'Keith Bourgoin'; kgendreau@ces-maine.com; khall@anglersrestaurant.net; jwwardwell@laneconstruction.com; ledwards@hannaford.com; Marion@norumbegafinancial.com; martinsprt@aol.com; arnetttowncouncil@gmail.com; 'Matt Thomas'; mccuelawllc@roadrunner.com; maveryclmb@aol.com; 'Mike Youngblood'; mortgages82@tds.net; kforbush@ocfm.com; perry.speaker@tdstelecom.com; reggie@penbaycs.com; 'Rick Lyons'; rkvariety@roadrunner.com; ronjack@universaldetailing.biz; rpmbuil@aol.com; scissorexcitement@yahoo.com; sdwright@tds.net; zenmax@aol.com; susan.lee@bangor.com; tbryant@camdennational.com; TCamp10614@aol.com; oul@att.net

Subject: Request from Hughes Bros. Dear fellow Hampden Business Association Members, I took on Town Council duties three years ago for 3 reasons 1) Community Service; 2) to get involved; and 3) mostly for a voice among the business community. I've worked very hard the past 5 months in my capacity as Mayor and more recently I've had to cut my hours back at work to attend to Town business, unfortunately mostly damage control. Our Town employees require reassurance, and I am very afraid that our biggest asset, Town Manager, Susan Lessard is at risk. The Town of Hampden is a great community with many wonderful assets....Sue Lessard has kept the budget flat for 3 consecutive years in the most challenging economic environments and even managed to

throw in increased school costs (minimal thanks to SAD22) and Saturday bus service this year. One of her biggest assets is her financial management skills and her work with the landfill was phenomenal. She just doesn't stop...and she has thrown her life into her work (to our benefit). She is a proud woman and should be. There are so many things that could be changed or improved like in any community...but there is a right way, and what is currently happening in Town is NOT the right way. I naively thought the issues with the 2010 Comp Plan could be addressed, only to find that the Comp Plan is just a vehicle to other issues. The Hampden Association of Land Owners (HALO) through Attorney David Crocker and Bernie Philbrick (from personal requests) are now challenging the 2001 Comprehensive Plan, hoping to remove ordinances for the past 10 years and identify damages to associated land owners by way of local government restrictions. A majority council has managed to maintain the BEAR Program and the Recreation planning (related to planned rec fields and re-use options for the new school), through continued opposition. Through Attorney David Crocker, HALO has requested that a moratorium be placed on the Business Expansion and Retention (BEAR) Program in their most recent May correspondence. The current charges from the BEAR program of the Planning and Development Committee is to redevelop the sign ordinances and the development application and review process (to be more business friendly) as YOU have requested. After the last Council Meeting, police had to be called in to stop an altercation from the public with the Council, & Council Bill Shakespeare and Jean Lawlis had to be escorted by police to their cars. Mrs. Lawlis is afraid to come to the Council Meetings and two of the Council won't attend the meetings without the police present. This just isn't right. I hope this is NOT the the kind of government people want. And if so...I dont see my presence of any help. At this point, I could live in my little corners of the Hampden and be quite content. I took on the Mayor position because I thought I could help get things back on track. But to be honest....every time I think I'm turning a corner, it just gets more challenging. I need your help and the Council and Sue Lessard needs to best understand the voice of the people. PleaseI ask that you do two things for me: 1) Vote on Tuesday and encourage your friends, family, and employees to vote; Vote for stability.2) Stop in or call Sue Lessard and tell her what an asset she is to this community. Again thank you. Janet HughesHughes Bros., Inc. Ph: (207) 942-4606Cell: (207) 768-1396

FARRELL, ROSENBLATT & RUSSELL

**ATTORNEYS AT LAW
61 MAIN STREET
P.O. BOX 738
BANGOR, MAINE 04402-0738**

ANGELA M. FARRELL
NATHANIEL M. ROSENBLATT
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JON A. HADDOW
GREGORY P. DORR
ROGER L. HUBER

TELEPHONE (207) 990-3314
TELECOPIER (207) 941-0239
e-mail: tar@frrlegal.com

M E M O R A N D U M

Date: June 14, 2011
To: Susan Lessard
From: Tom Russell
Re: Code of Ethics Issue

I have reviewed Janet Hughes' email that is in question, as well as Section 4 of the Code of Ethics. Since Section 4 places restrictions on the First Amendment rights of free speech under the United States Constitution, it must be narrowly construed as to its scope, and any ambiguity must be resolved in favor of a person's rights under the First Amendment.

As I see it, the pertinent parts of Section 4 at issue in this matter are the following provisions:

"... no town employee, town councilor, committee member, board member or commission member may use his or her official authority or position for the purposes of influencing or interfering with or affecting the results of any election for public office..."

"Nothing herein shall be construed to prohibit any town employee, town councilor, committee member, board member or commission member from participating in the political process in their private capacity as candidates for elected office or as private citizens." (*Emphasis supplied.*)

It is my opinion that Section 4 was intended to prohibit the Town, through its employees or officials, from taking official positions, such as endorsements, pronouncements at meetings, or conducting campaign activities in Town facilities, concerning elections for public office. The first provision of Section 4 quoted above references use of official authority or position, and the Section 4 prohibition on the distribution of handbills or pamphlets applies only while the employee or official "is performing official functions or duties on behalf of the Town." Those provisions on their

face do not include a prohibition on an employee or official acting as an individual in the political process concerning an election for public office. In fact, the second provision of Section 4 quoted above expressly provides that employees or officials have the right to participate in the political process in their capacity as private citizens.

The email in question was sent from a private email address, and the subject was listed as "Request from Hughes Bros." It was not sent from the email account used by Janet Hughes for town business. The greeting of the email was addressed to "fellow Hampden Business Association Members," and the email was "signed" by "Janet Hughes Hughes Bros., Inc." Although the email certainly discussed her experience as a councilor and mayor and expressed her opinions and frustrations about recent events in Hampden, it is my opinion that the correspondence ultimately represents her participation in the political process in her capacity as a private citizen, which is permitted under Section 4. The email does not constitute a use of her "official authority or position" under Section 4. As I stated above, Section 4 must be narrowly construed because it implicates the First Amendment rights of Town employees and officials, and therefore I do not believe it would be appropriate to construe Section 4 to mean that a sitting councilor cannot participate in the political process as a private citizen, even if that involves an election for public office. In fact, Section 4 permits such activity.

A-3-b

David Peter Crocker

ATTORNEY AND COUNSELOR AT LAW
SOLICITOR OF ENGLAND AND WALES
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PORTLAND, MAINE 04103-3204 USA

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July 22, 2011

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
NO. 7099 3400 0006 5025 2729

Ms. Susan Lessard, Town Manager
Town of Hampden
106 Western Avenue
Hampden, ME 04444

Re: Legal Status of Town of Hampden 2001 Comprehensive Plan

Dear Ms. Lessard:

As you are aware, this office represents the Hampden Association of Landowners. This letter is responsive to Attorney Tom Russell's June 1, 2011, memorandum concerning the proper passage and current validity of Hampden's 2001 Comprehensive Plan. While admitting in his memorandum that the 2000-2001 Planning Board/Planning Committee minutes contain no formal recommendation of the final plan to the Town Council and, indeed, scant references to the planning process itself, he nevertheless concludes that the Planning Board approved the final version of the 2001 Comprehensive Plan by inference. Moreover, Mr. Russell asserts that Section 604 of the Town Charter (which requires formal recommendation by the Planning Board) "doesn't prescribe any particular mechanism for the Planning Board to use in making a recommendation." I must respectfully disagree with Mr. Russell's analysis.

First, it should be pointed out that Section 603(7) of the Town Charter requires the Planning Board "to keep a record of its resolutions, transactions, correspondence, findings, and determinations. All records shall be deemed public and may be inspected at reasonable times." This provision mandates that records be kept of all the Planning Board's activities – even workshop sessions devoted to the Comprehensive Plan. Yet, Mr. Russell candidly admits in Item 14 of his memorandum that there is not a single recorded reference to the 2001 Comprehensive Plan from September 13, 2000 through August 29, 2001, and that no records were kept of Planning Board workshops – in violation of both the Town Charter and the Maine Freedom of Access Act. We have no idea how many workshops were held, who attended or the process of drafting the 2001 plan. How the plan was drafted and who contributed to it is a near complete

mystery.

Second, Section 604 of the Town Charter – requiring the Planning Board’s affirmative recommendation to the Town Council – may *not* be inferred and, indeed, such a practice would run counter to law and town practice. In law, Section 604 simply implements 30-A M.R.S. § 4324(2)(B), which requires the Planning Committee “to make recommendations to the municipal legislative body regarding the adoption and implementation of the [comprehensive plan]”, thereby making the Planning Committee adopt the practices of legislative committees in the Maine Legislature. Yet, in my review of the 1996-2001 Planning Board minutes, I failed to find a single instance in which the Planning Board approved a Comprehensive Plan amendment by inference. To the contrary (and like legislative committees), the standard procedure was to send a “ought to pass/ought not to pass” recommendation to the Town Council by affirmative vote, which was duly recorded in the minutes. Examples may be found in the April 24, 1996, and December 11, 1996, minutes (relating to the 1986 Plan).

Third, Section 604’s affirmative requirement is paralleled in Section 1.5.2 of Hampden’s Zoning Ordinance and Article 800 of its Subdivision Ordinance. Both provisions require the Planning Board to send proposed ordinance amendments to the Town Council with recommendation for passage. Indeed, the Zoning Ordinance provision states that “[f]ailure of the board to make a recommendation within the allotted time shall constitute a recommendation of denial for the purpose of this Ordinance.” The 1996-2001 Planning Board minutes are littered with dozens of such recommendations. In each case, the Planning Board voted “ought to pass/ought not to pass” as would a legislative committee. In fact, the Planning Board minutes of December 12, 2001, reflect such an amendment to the Subdivision Ordinance at the very time that the 2001 Comprehensive Plan was ostensibly being approved.

In conclusion, considerable doubt remains as to the validity of the 2001 approval process. If anything, the Planning Board’s failure to comply with Section 604 would tend to indicate denial, not affirmation. But it should be emphasized that the purpose of this analysis is not to create hardship for the Town or “identify damages to associated landowners” as stated in Mayor Hughes’ June 13 email to local businesses. Rather, the purpose is – as stated in my letter of May 2nd – to stress that the Comprehensive Plan process should not be rushed. The Town charter and state statutes are meant to be followed to protect the interests and rights of the residents of Hampden. The entire issue of Maine’s Growth Management Statute, 30-A M.R.S. §§ 4301-4350-A is increasingly controversial and under recently passed LD1 – the Regulatory Reform Act – the State Planning Office’s Comprehensive Plan regulations will doubtless come under scrutiny either by the SPO itself by a Citizens’ Petition to Modify as per 5 M.R.S. § 8055. Either way, the SPO’s Comprehensive Plan rules (as well as the Growth Management Statute) will be subjected to close examination.

In closing, it is HALO’s opinion that simplicity in law and regulation is the most friendly to liberty. Disregarding proper procedure is tantamount to disregarding the rights Hampden’s property owners. The council has agreed that the 2010 Comprehensive Plan was not properly

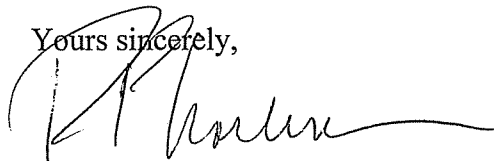
Ms. Susan Lessard

July 22, 2011

Page 3

enacted. While possibly well-intentioned, the 2010 draft plan is needlessly complex and provides too great an opportunity for mischief in implementation. The Hampden Association of Landowners stands ready to assist in its revision and do so knowledgably and constructively. But there can be no foregone conclusions in the process, however. The *entire* draft plan should be closely scrutinized.

Yours sincerely,

A handwritten signature in black ink, appearing to read "D. Crocker", with a long horizontal flourish extending to the right.

David P. Crocker

DPC/mb

cc: HALO Board

FINANCE COMMITTEE MEETING

Monday, July 18, 2011

Attending:

Mayor Janet Hughes	Councilor Tom Brann (5:45)
Councilor Jean Lawlis	Councilor Kristen Hornbrook (5:30)
Councilor William Shakespeare	Councilor Cushing
Councilor Shelby Wright	

1. Review Minutes of 6/20/2011 – Motion by Councilor Cushing, seconded by Mayor Hughes to approve the minutes as presented for the 6-20-2011 meeting. Unanimous vote.
2. Review & Signature of Warrants – Warrants were reviewed and signed by Committee members.
3. Financial Statements – June 30 – The Town Manager presented the Tax Collection report, the Reserves Reconciliation report and the cash position for all accounts report to the Committee. Final year end revenue and expenditure reports will be presented at the first meeting in August.
4. Old Business
 - a. Brush Truck Bid Results – Lieutenant Dan Pugsley presented the results of the bids for the Brush truck. It was the recommendation of the department that the Council purchase the truck from Southern Fire Service & Sales for the amount of \$125,683, with a match of \$,6933 coming from the Town of Hampden. Unanimous vote.
 - b. Council Rules/Code of Ethics – The Committee began an item by item review beginning with the Code of Ethics. There was a good deal of discussion about the need to clarify language and Committee members had strong opinions on what they felt was important for inclusion in the Code of Ethics. The Town Manager was instructed to get clarification from the Town Attorney related to the definition of Confidential Information and Special Interest. In addition, the Manager was instructed to provide some possible clarification language on several items. It was the consensus of the Committee to work on getting through the remainder of the Code of Ethics at the next Finance Committee meeting and then have all proposed changes made and provided to the Finance Committee for review. Following review of the Code of Ethics, the Finance Committee will then start on the Council Rules, and then any items that may be desired related to Charter changes.

5. New Business

- a. Bangor Region Development Alliance Dues – This item was referred to the Planning & Development Committee for consideration.

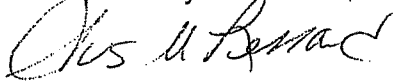
6. Public Comment - None

7. Committee Member Comments –

Councilor Lawlis asked when Dunkin Donuts was going to be open.
The Manager said she would check on that and report back.

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,



Susan Lessard
Town Manager

INFRASTRUCTURE COMMITTEE MEETING MINUTES
Monday, July 25, 2011

Attending:

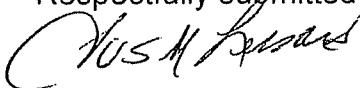
Councilor William Shakespeare	Mayor Janet Hughes
Councilor Jean Lawlis	Public Works Director Chip Swan
Councilor Tom Brann	Town Manager Sue Lessard
Councilor Shelby Wright	

1. Minutes of 6/27/2011 – The minutes were accepted as presented with no changes or alterations.
2. Old Business
 - a. Bid Results – One Ton Trucks – Motion by Councilor Brann, seconded by Mayor Hughes to recommend to the full council the purchase of two four wheel drive one ton trucks from Darlings for the price of \$61,690 after trade-in. Unanimous vote.
 - b. Papermill Road Culvert replacement – Motion by Councilor Lawlis, seconded by Councilor Brann to recommend to the full council the authorization of repairing the Papermill Road Culvert for a total of \$10,000, with the award of the contracting portion to Harriman Brothers for \$4,500 to be paid from Public Works Reserve. Unanimous vote.
3. New Business
 - a. Urban/Rural Initiative Program funds – Motion by Mayor Hughes, seconded by Councilor Brann to recommend to the full Council the acceptance of URIP funds for 2011/2012. Unanimous vote.
 - b. Use of Town Sewer system for Chevron effluent – Motion by Councilor Brann seconded by Councilor Lawlis to recommend to the full council to allow the Town Manager to negotiate with the City of Bangor and Chevron for use of the Town sewer for transmitting treated water from their site to the Bangor Treatment facility. Unanimous vote.
 - c. Sidewalk Grant – MDOT – The Committee discussed this item and had several questions related to the costs of the sidewalk that has been proposed. The Town Manager was instructed to get information related to engineering costs and total construction costs and to see if a representative from Woodard and Curran can attend the Finance Committee meeting on Monday, August 1st.
4. Public Comment - None
5. Committee member comments
 - Mayor Hughes - Next agenda should include discussion of Water District options

- Councilor Wright – Asked that the Public Works Director check the intersection of Meadow Road and Route 69 and notify MDOT of safety concerns at that location.
- Councilor Shakespeare – Noted that a town line sign will be put up on North County Road to better define where the line is between towns.
- Public Works Director Chip Swan reported that the No Engine Braking Signs had been received and would be put up on entrances to Town.
- Public Works Director Chip Swan reported that the updated sidewalk installation price for the upcoming Route 1A MDOT project is estimated at approximately \$60,300.

The meeting was adjourned at 7:15 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Susan Lessard", written over the printed name.

Susan Lessard
Town Manager

COMMUNICATIONS COMMITTEE MEETING MINUTES
Thursday, July 21, 2011

Attending:

Councilor Kristen Hornbrook
Councilor Jean Lawlis
Town Manager Sue Lessard

1. Minutes from 6-16-2011, 5/19/2011 – Motion by Councilor Lawlis, seconded by Councilor Hornbrook to approve the minutes of the 5-19 and 6-16-2011 Communications Committee meetings. Unanimous vote.

2. Old Business

- a. Review Local Program Development Plans...Status and Update – Councilor Cushing – Councilor Cushing was not present but Manager Lessard reported that he had stated that three new programs were almost ready for airing. In addition, Councilor Hornbrook will contact Ed Webster about a show to be done related to his Everest experiences.
- b. Newsletter Update – Town Manager – The Manager reported that the Newsletter would be sent out on Friday, July 22nd but that the online version was already posted on the Town website.
- c. Ideas for Webstreaming – lower cost version – Town Manager – The Town Manager will invite Matt Thomas to the next Committee meeting to discuss his ideas for a lower cost video streaming option for the Town.

3. New Business

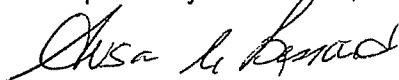
- a. Recent resident ideas/Website Updates - None
- b. Hampden Local Channel Request – Rick Cochrane – Mr. Cochrane did not attend the meeting to present his request. The Town Manager was asked to follow up with Mr. Cochrane as to what his Town of residence was. In addition, the Manager offered to obtain some information from the City of Belfast in regard to how they operate their public access channel.
- c. Changing regular meeting date – Motion by Councilor Lawlis, seconded by Councilor Hornbrook to change the regular meeting date of the Committee to the second Tuesday of each month. No meeting will be held during the month of August. The next meeting will be on Tuesday, September 13th at 6 p.m.

4. Public Comments - None

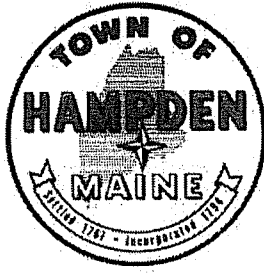
5. Committee Member Comments – Committee members expressed the wish to move forward with some ideas mentioned at earlier meetings. To get this process moving, the Town Manager was asked to work on getting Councilor photos and bios ready for posting to the Town website.

6. Adjourn – The meeting was adjourned at 6:40 p.m.

Respectfully submitted,



Susan Lessard
Town Manager

**Memorandum**

TO: Mayor Hughes and Town Councilors
FROM: Denise Hodsdon, Town Clerk
DATE: July 28, 2011
RE: Nomination Papers

Nomination papers will be available beginning on Wednesday, August 10, 2011 for Town Council Districts 1, 2, 3 and 4, 3 (three), 3-year SAD #22 Board of Directors terms, and 1 Hampden Water District Trustee position for 5 (five) years. Nomination papers must be returned to the Town Clerk by close of business on Thursday, September 8th.



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

C-3-a

Paul R. LePage
GOVERNOR

July 12th, 2011

COMMISSIONER

Robert Osborne
Town of Hampden
106 Western Avenue
Hampden, ME 04444

Re: Project Number 19401 - HAMPDEN-PED SAFETY

Dear Robert:

The Maine Department of Transportation (MaineDOT) is pleased to inform you that your community's application for Quality Community Program funding for pedestrian and/or bicycle safety project(s) has been approved, and your community has been selected to receive federal funding assistance to design your project.

The approved project scope may have been altered relative to your original proposal. The project is funded for design for improvements located on Route 9, connecting the gap between Sidney Boulevard and Mayo Road.

Your community's project will be included in the MaineDOT 2012-2013 Biennial Capital Work Plan, pending final authorization of federal funds. MaineDOT has programmed up to \$6,400 in federal funds for design work on the project, contingent upon the additional minimum required local match of \$1,600. The funding amounts approved were based primarily on estimates for design services contained within your Quality Community Program application, although MaineDOT after review may have adjusted the amount to fit the proposed scope of the project. If actual design costs prove to be greater than the approved funding amount, your municipality will be responsible for those costs.

These numbers do not reflect additional local efforts that you may have outlined in your application. Any local efforts outlined within the application not quantified within the numbers listed above will also be required to be completed.

The MaineDOT has instituted a new policy that requires a municipality to have completed Preliminary and/or Final Design on a project funded through the Quality Community Program before being eligible to receive construction funding. Future funding for construction will be contingent upon both the community moving the project expeditiously through design and the availability of future federal and or state funding. This project is considered an approved project and your community will not need to apply again for the construction funding once the project moves through design and permitting and is ready for construction.



PRINTED ON RECYCLED PAPER

It is very important that design of this project move forward in a timely manner and that at a minimum a Preliminary Design Report (PDR) be completed prior to June 30, 2012 so that an accurate construction estimate can be arrived at for construction funding in the next Work Plan, scheduled to begin in the summer of 2013. This construction funding will be contingent upon the expeditious completion of the design.

Joel Kittredge has been assigned as MaineDOT project manager from the Bureau of Project Development. He can be reached at 624-3420. The municipality will be required to designate its own project administrator, who will oversee all local responsibilities for the project and be required to be certified in Local Project Administration through the MaineDOT. Please keep in mind that as outlined in the original application, MaineDOT staff time required to review project plans is part of the costs that need to come out of the project funding. Furthermore, please note that funding for this project including future construction funds is contingent upon MaineDOT receiving adequate federal funding to support it, and MaineDOT reserves the right to withdraw funds from this project for any reason.

We would like to emphasize that the Municipality should not authorize any engineering work or expend any funds on this project (including local match funding) before receiving notice that funds are authorized and you have signed a Local Project Agreement with the MaineDOT. Please call your project manager listed above at 624-3420 if you have any questions regarding this project and the next steps of the process.

Please sign below to indicate that the municipality agrees with all the elements contained within this letter and commits to the local match as outlined above, to complete the design, and to continue with the development of the project. If funds are expended on the project and the community decides at a later date to not proceed with construction, then all federal/state funds may be required to be reimbursed by the municipality.

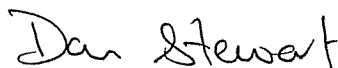
Please return this letter, signed, to Dan at the address below.

Municipality _____

Authorized Signature

Date

Sincerely,



Dan Stewart

MaineDOT Quality Community Program Manager

16 State House Station

Augusta, Maine 04333-00

Cc: Susan Lessard

**MaineDOT**

**Maine Department of Transportation
QUALITY COMMUNITY PROGRAMS
Fiscal Years 2012-2013 Application**

Date Application
Received

(For MaineDOT Use
Only)

Quality Community Program Eligibility:

Please indicate which Quality Community Program(s) your project is eligible for. Please place an "x" next to all that apply:

- ☐ Transportation Enhancement Program (Up to 80% of total project value)
☒ Safe Routes to School Program (Up to 100% of total project value, within 2 miles of a K-8 school)
☐ Other Program (please list):

Section 1: General Information

Applicant Name(s): Town of Hampden, Maine		
Contact Person: Robert Osborne		
Mailing Address: 106 Western Avenue		
City: Hampden	State: Maine	Zip: 04444
Daytime Phone No.: 862-6527	Email: hampdenmaineplanner@gmail.com	
NOTE: The following sections of this application request specific project related information. If warranted, pictures, maps, exhibits, diagrams, survey summaries, etc., should be included with the application. Please be concise. If additional space is required, please attach supplemental sheets.		

Section 2: Project Brief

Location of Project: The proposed project is located in Hampden, Maine primarily on Western Avenue extending from Route 202 Bypass to Mayo Road and also on Main Road South extending from the Masonic Hall to Reeds Brook. The project is located within 2 miles of K-8 schools. See attached Pedestrian Improvement Plan for Hampden's Four Mile Square prepared by BACTS, EMDC and funded by MDOT which includes mapping, aerial and ground photography.

Project Summary The project consists of construction of sidewalks on both the north side (821 feet) and south side (4,113 feet) of Western Avenue to complete sidewalk from Route 202 Bypass Mayo Road. These can be considered as two separate projects for purposes of this grant application.

Section 3: Project Details

Background: The Town of Hampden, Maine recently participated in the Pedestrian Improvement Plan for Hampden's Four Mile Square and that document is attached to the grant application. (The Four Mile Square is Western Avenue to Mayo Road to Kennebec Road to Main Road back to Western Avenue). The "plan" made a number of findings including the following: School Administration District 22 (SAD 22) is currently constructing a new high school located near the intersection of Western Avenue and Route 202 Bypass. The new high school is on a contiguous campus with the district's K-8 facilities. Upon completion of construction of Hampden Academy (High School) project the school campus consisting of Reeds Brook Middle School, McGraw and Weatherbee Elementary Schools and Hampden Academy will be fully interconnected with sidewalks. It is anticipated that pedestrian activity will increase in the area of Western Avenue for

school children and adults. Recent commercial development in the area from Route 1-A to Route 202 also increases the need for pedestrian safety measures. The proposed sidewalk construction is a safety project that would ultimately encourage pedestrian activity and fitness.

The Project: The project is proposed to be constructed fully within the current 100 foot wide state highway right-of way along Western Avenue. Concurrent to the construction of the high school the Town of Hampden, Maine is also constructing a sidewalk the full length of Mayo Road. With the completion of the Mayo Road sidewalk and the (821 foot long) connection of the Western Avenue sidewalk to Mayo Road there will be pedestrian service around the full "Four Mile Square".

The proposed sidewalks for this grant would be constructed of bituminous material and would be separated from the traveled way of Western Avenue with a MDOT Type 3 Curb. The project is contained to the existing MDOT 100 ft. right-of-way for Western Avenue. A significant cost of the project is stormwater drainage and drainage devices along the proposed sidewalk. This design necessitates conveyance of stormwater under the proposed sidewalk and curb to the modified ditch row as well as placement of permanent stabilization elements such as riprap.

Support for the Project: The project as described in the plan has support from the Town of Hampden, Maine, SAD 22 and BACTS as the letters of support in the plan indicate. **See attached report.**

Section 3.1 - Estimated Cost of Infrastructure Project

The Town of Hampden hired Woodard and Curran to do preliminary cost estimates for the proposed project. That cost estimate found in the Pedestrian Improvement Plan for Hampden's Four Mile Square and was done at Town expense (\$1,000) in order to provide a responsible cost estimate for the project.

	North Sidewalk 821 linear feet	South Sidewalk 4,113 linear feet
Environmental Evaluation:	1. included in # 2	1. included in # 2
Preliminary/Final Design Engineering:	2. \$41,300	2. \$92,300
MaineDOT Project Design Administration (5% of Preliminary and Final Design line above)	3. \$ 2,065	3. \$ 4,615
Right of Way/Land Acquisition	4. \$ N/A	4. \$ N/A
Legal, Admin, Financing, Permitting	\$13,800	\$30,750
MDOT Road Opening Permit Fee	\$18,000	\$10,000
Construction:	5. \$275,200	5. \$615,025
Contingency (25%)	\$68,800	\$153,800
Construction Engineering:	6 \$ included in # 2	6 \$ included in # 2
MaineDOT Construction Administration (10% of Construction Engineering line above)	7 \$ 4,130	7 \$ 9,230
Total Value of Project (add lines 1 through 6):	8. \$419,165	8. \$906,490
Local Match/Voluntary Contributions (Note: All match/voluntary contributions must be detailed. Bonus consideration may be given to applications that offer additional match/voluntary contributions beyond any applicable required local match.)		
- Cash:	9. \$	9. \$
- In-kind, right of way, or other contributions:	10. \$4,130	10. \$9,230
- Please describe local match in detail:		
Locally Administered Project		
Total Local Match/Voluntary Contributions:	11. \$4,130	11. \$9,230

Funds Requested from MaineDOT:

12. \$ 415,035

12. \$ 897,260

Note: The sum of Lines 11 and 12 should equal Line 8 above.

Note: Section 3.2 of this form also requires further details on costs. The amount shown on line 8 on the above estimate should match the total outline of costs in Section 3.2, or an explanation must be given for the discrepancy.

Section 3.2 - Detailed Description of Infrastructure Project and Cost (if applicable)

Provide a detailed description of project work items and/or construction costs from Section 3.1. Note that all infrastructure improvements must comply with the requirements of the Americans with Disabilities Act (ADA).

We propose that two elements of this grant application be considered separately but are requested together in keeping with the recommendations of the attached report.

The first element of the project consists of construction of 821 linear feet of bituminous concrete sidewalk, 5 feet in width, on the north side of Western Avenue extending east from Mayo Road and connecting to the existing sidewalk. This project element also consists of associated stormwater drainage work necessitated by construction of the sidewalk and associated curbline. The proposed sidewalks extend over areas that typically serve as the front slope of the existing ditch row of Western Avenue. The design proposes establishing catch basins along the new curb line to collect stormwater and convey it to the modified ditch row. **See costs and drawings detailed in the attached report.**

Project cost: \$419,165.

The second element of the project consists of 4,113 linear feet of bituminous concrete sidewalk, 5 feet in width, on the south side of Western Avenue extending east to Route 202 Bypass (which is also the location of the access drive for the new Hampden Academy). This project element also consists of associated stormwater drainage work necessitated by construction of the sidewalk and associated curbline. Both project elements consist of construction of a 5 foot wide sidewalk adjacent to the shoulder of Western Avenue. The proposed sidewalks extend over areas that typically serve as the front slope of the ditch row of Western Avenue. The design proposes establishing catch basins along the new curb line to collect stormwater and convey it to the modified ditch row. **See costs and drawings detailed in the attached report. Project cost: \$906,490**

Section 3.3 - Project Description and Demonstrated Needs

Describe the proposed project and scope: The project as stated consists of creating connected sidewalks to aid pedestrian safety within the Four Mile Square. The proposed construction of sidewalk on the north side of Western Avenue (821 feet) will establish sidewalk around the Four Mile Square which is a well populated area of the town. The addition of sidewalk on the south side of Western Avenue will improve pedestrian safety by limiting the need to cross Western Avenue. (This side will directly serve the large residential Colonial Heights Subdivision). *Attach diagrams, maps and/or correspondence that will help provide a clear description of the proposed scope.* **See Attached Report**

Describe why this project is important to your community/region and worthy of funding: There is currently a good deal of pedestrian activity around the Four Mile Square despite the fact that it presents significant risk to those who walk in areas with no sidewalks. This project will greatly improve pedestrian safety and encourage younger pedestrians to walk to school. The project is an investment in the Town's designated growth area in support of our zoning and comprehensive plan and encourages additional investment to that growth area.

Describe the Transportation Values: This project serves a valid transportation service by connecting residences to schools and increases safety while enhancing the overall utilization of the system.

Describe the Positive Impacts on Community: This project has been specifically called for in the 2001 Comprehensive Plan as well as the submitted 2010 Comprehensive Plan because the community recognized the importance of connectivity in the Four Mile Square.

Describe Regional Benefits: The project has regional benefits in that it provides pedestrian connectivity while maintaining highway shoulders wide enough for bicycle lanes.

Describe the Demonstrated Needs: Younger children should not walk on the shoulder of Western Avenue and there is significant pedestrian activity today which will be better served.

Describe How the Project Brings New Opportunities for Public Benefit: This project has been specifically called for in the 2001 Comprehensive Plan as well as the submitted 2010 Comprehensive Plan because the community recognized the importance of connectivity in the Four Mile Square. The sidewalks will make school, work and other pedestrian commuting more attractive and safer.

Describe How Your Project Meets State Planning Goals/Economic/Tourism Benefits: This project will enhance a livable compact community and improve the quality of life thereby enhancing the economic vibrancy of the community and region.

Describe the Potential Safety Improvements: Improvements will include better wheelchair accessibility through appropriate design details. As part of the school project pedestrian signalization will be improved which will enhance this link of the project as well.

Section 4: Community Support

Provide information on the consultation and support for the project by the community: This project is supported by the Pedestrian Improvement Plan for Hampden's Four Mile Square prepared by BACTS. BACTS has also provided written support for this project. SAD 22 has provided written support for the project. The Hampden Town Council has provided written support for the project. The current and draft Comprehensive Plans for the Town of Hampden support full pedestrian connectivity for the Four Mile Square.

Is a municipal official where the project is located certified to locally administer the project?

☒ Yes ☐ No

Is the municipality willing to become LAP Certified?

☒ Yes ☐ No

A municipal/state agreement with the Maine Department of Transportation is required for the development, design, and construction of the project in accordance with Federal, State, and Local requirements.

Note: Information on Locally Administered Project (LAP) requirements can be found at:
<http://www.maine.gov/mdot/lap/lpa.php>

Section 5: Sensible Transportation Planning Bonus Points

Please Note: Your community may receive additional bonus points if it has met some of the criteria listed below. To be eligible for these bonus points, please answer the following questions:

Does your community have an approved Comprehensive Plan or Community Transportation Plan that has been found consistent by the State Planning Office or MaineDOT? ☒ Yes ☐ No **If yes, please list the year it was found consistent:** 2000 (The Town also has a new comprehensive plan that is currently under evaluation by the State Planning Office).

If applicable, please outline relevant ordinances and policies that have been enacted to support the Comprehensive or Transportation Plan by promoting and encouraging compact development patterns in growth areas. The Zoning Ordinance encourages and directs compact growth into this area. It provides incentives for higher densities as well as diversity in the designated growth/urban areas.

If applicable, please describe any regional efforts with surrounding municipalities that your community has undertaken to promote and encourage compact development patterns in growth areas. Participation in the MPO/BACTS process. Participation and support of the Greenprint Project. Consultation with neighboring municipalities on compatibility on adjoining zoning districts.

Section 6: Authorized Signatures

An authorized representative of the city/town and applicant/sponsor must sign the application.

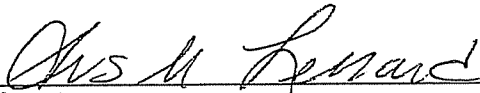
Municipal Official: (check one) ☒ **Applicant** ☐ **Endorsement**

Name: Susan Lessard

Title: Town Manager

Phone#:

Email: lightlady_1@yahoo.com


Signature

6-30-2010
Date

Applicant/Sponsor (if different)

Name:

Title:

Phone#:

Email:

Signature

Date

These signatures indicate the willingness/ability to provide the designated level of matching funds and a willingness to enter into a municipal/State agreement with the Department requiring the municipality/applicant/sponsor to administer the development, design, and construction of the project abiding to federal, State, and local requirements. The applicant will also be responsible for future maintenance of the completed project. Note that design should meet all applicable federal and State Standards and ADA Guidelines.

Send all application information as follows: Applications must be received no later than 4:00 PM (EST) on July 1, 2010. Seven complete hardcopy application packages (including all attachments and all required documents) must be submitted to:

MaineDOT
Attn: Dan Stewart
Bureau of Transportation Systems Planning
16 State House Station
Child Street
Augusta, ME 04333-0016

July 14, 2011

Town of Hampden
106 Western Avenue
Hampden, ME 04444
Attn: Susan Lassard, Town Manager

RE: Chevron Fuel Depot

Dear Ms. Lassard:

Over the past several years we had a number of conversations with SIAC Energy, an engineering firm dealing with oil contamination issues at the old Chevron fuel depot at 799 Main Road North. Most recently, we have spoken with Mr. J. Austin Bond (SIAC engineer) about accepting treated effluent from the site into Bangor's Wastewater Treatment Plant. I believe he has also contacted Mr. Swan concerning the same issue.

SAIC is proposing to connect to Hampden's sewer system. I understand you have some concerns over the liability Hampden may incur as a result of accepting treated effluent for contaminated soils. Hampden is protected from liability stemming from violations by an industry using the Hampden collection system provided the town faithfully follows and administers all provisions of the inter local agreement and the Sewer Use Ordinance (SUO); as it incorporates all necessary updates and amendments discussed with Greg Nash.

Should any Hampden industry violate either their discharge permit or the SUO of the Town of Hampden or the SUO of the City of Bangor, Hampden is obligated to follow the course of action stipulated in both the Hampden SUO and the inter local agreement. The City is likewise obligated to ensure Hampden does so.

Since Hampden, through the inter local agreement retains the City of Bangor Pretreatment Coordinator, he/she would be working on behalf of the Town of Hampden, as well as Bangor, in matters of permit compliance involving industries using the Hampden collection system. Due to the structure of the inter local agreement, ultimate authority over the use and conditions of the Hampden sewer rests with Bangor.

Please contact me as to how you would like to proceed. And please feel free to contact me if you have any further questions or concerns.

Respectfully,

A handwritten signature in black ink that reads "Bradley Moore". The signature is written in a cursive, flowing style.

Bradley L. Moore,
Superintendent

Pc: Chip Swan, Town of Hampden
Al Jellison, Chief Operator, WWTP
Andy Rudzinski, Pretreatment, WWTP

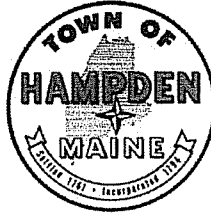
TOWN OF HAMPDEN
PUBLIC WORKS DEPARTMENT
2012 ONE-TON TRUCKS (2)
BID SHEET

July 21, 2011
10:00 AM

BIDDER	PRICE PER TRUCK	TRADE IN ALLOWANCE (2 - 2006 Ford F-450 Trucks)	TOTAL PRICE FOR BOTH TRUCKS
Quirk	83 002	24,000	(59,002 + 4610 warranty 63,612)
Whited Ford	42 527.10 (A) 41 753.30 (B)	18 000	67 054.20 (A) 65 506.16 (B)
Darlings	42 345	23 000	61 690.

C-3-C

C-3-d



TO: Mayor Hughes and Hampden Town Council
FROM: Robert Osborne, Town Planner *RO*
SUBJECT: Draft Zoning Ordinance and Draft Shoreland Zoning Ordinance Text
Amendments for Definition of Family
DATE: July 19, 2011

At the July 13, 2011 Planning Board meeting there were votes to recommend "ought-to-pass" the subject amendments of the definition of family of both the Shoreland Zoning Ordinance and Zoning Ordinance. Please find attached a copy of the draft amendments to the Zoning Ordinance and Shoreland Zoning Ordinances.

TOWN OF HAMPDEN
Draft

The Town of Hampden Hereby Ordains
Proposed Amendments to the Zoning Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

ARTICLE 7
DEFINITIONS

7.1. Construction Language - In this Ordinance, certain terms or words shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied", the word "building" includes the word "structure" and the word "dwelling" includes the word "residence", the word "lot" includes the words "plot" or "parcel". In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning.

7.2. Definitions - In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

~~*Family:* One (1) or more persons related by blood, adoption or marriage occupying a premises and living as a single housekeeping unit. A family may contain no more than two (2) individuals not related by blood adoption or marriage except for "community living facilities" as defined by Title 30-A, Section 4357 which shall be considered a family.~~

Family: Shall mean an individual occupying a single dwelling unit, or a group of two or more persons occupying a single dwelling unit and living together as a single housekeeping unit, including the sharing of common living, sleeping, cooking and eating facilities. When occupancy of a dwelling unit is by a group of two or more persons, the group of persons occupying the dwelling must either be:

- a. Related by blood, adoption, domestic partnership, or marriage; or
- b. Comprised of two persons who are not related by blood, domestic partnership, adoption or marriage, and any children related to either or both of them by blood, adoption or marriage;
- c. Comprised of persons, whether or not related to each other by blood, domestic partnership, adoption or marriage, but not to exceed four unrelated persons. Family shall not include a group of unrelated persons occupying a boarding home, rooming house, hotel/motel, tourist home or inn.
- d. A Community Living Arrangement as defined by Title 30-A, Section 4357-A.

Note: For the purposes hereof, the number of unrelated persons occupying a dwelling unit shall be calculated as follows: Any persons related by blood, adoption or marriage plus one unrelated person shall be considered to constitute a total of two unrelated persons, and each additional unrelated person shall be added to determine the total number of unrelated persons occupying the dwelling unit. By way of example, two or more related persons occupying a dwelling unit combined with two unrelated persons occupying the dwelling unit yields a total of three unrelated persons occupying the dwelling unit.

TOWN OF HAMPDEN
Draft

The Town of Hampden Hereby Ordains
Proposed Amendments to the Shoreland Zoning Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

17. Definitions.

~~*Family:* "Family" means one (1) or more persons related by blood, adoption or marriage occupying a premises and living as a single housekeeping unit. A family may contain no more than two (2) individuals not related by blood, adoption or marriage except for "community living facilities" as defined by Title 30-A, Section 4357 which shall be considered a family.~~

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- c. Comprised of persons, whether or not related to each other by blood, domestic partnership, adoption or marriage, but not to exceed four unrelated persons. Family shall not include a group of unrelated persons occupying a boarding home, rooming house, hotel/motel, tourist home or inn.
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Denise Hodsdon

C-3-e

C-3-f

Committee on Committee's Actions

1 message

Dean Bennett <economicdevelopment@hampdenmaine.gov>

Wed, Jul 27, 2011 at 9:05 AM

To: Sue Lessard <manager@hampdenmaine.gov>, Denise Hodsdon <clerk@hampdenmaine.gov>

Good Morning,

Here is the latest from the Committee on Committee's.

July 26th Meeting.

Motion #1:

Committee recommends to Council the acceptance of the draft departmental handbooks for the Pool, Library and Recreation Departments until the Comprehensive Plan is completed. Approved 3-0

Motion #2:

Committee recommends to Council to direct Services Committee to inventory parks, trails and town-owned open space, with intent to establish a Citizens Advisory Committee to make policy recommendations thereof. Approved 3-0

Thanks,

Dean

--

Dean L. Bennett
Director of Community and Economic Development
106 Western Avenue
Hampden, Maine 04444
[207-862-3034](tel:207-862-3034)



Paul R. LePage
GOVERNOR

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

C-4-a

COMMISSIONER

COMMUNITY SERVICES DIVISION

1-800-498-9133

<http://www.maine.gov/mdot/community-programs/uri-program.php>

July 8, 2011

We are notifying you about the "Urban/Rural Initiative Program" (URIP) for the fiscal year beginning July 1, 2011.

When the Legislature passed the budget, it increased MaineDOT's Highway Budget and consequently the amount that is allocated to URIP for the upcoming new fiscal year. That amount is about \$568,580 more than last year. **Many towns will see no increase as they are below their FY99 "hold harmless" amount and many others will see increases up to several thousands of dollars.**

As in the previous three years, all URIP recipients must provide information on how URIP funds were expended from the previous fiscal year. The information collected on the back side of the Certification Form is used to chart the progress of improving public roads by the 502 Maine municipalities, counties, and Indian reservations that receive funding from this program. If this information is not provided when you return the form, we will return it to you for completion before any payments can be made this year.

Please submit the completed **Certification Form** for FY12 (July 1, 2011 to June 30, 2012) either by US mail or by scanning and e-mailing it to us. The law says it must be received by August 1, 2011 or earlier so we can assure your September 1st payment. In reality, if we have it back by August 22, then we can include it in the September 1st payment. If it comes in after August 22, then we will process it shortly after its receipt. **No payments of URIP funds can be made until this certification is received with all of the information requested completed.**

If your town has not done so already, we are also encouraging municipalities to sign up for electronic transfer (Direct Deposit) of URIP funds from the State to their financial institution to reduce costs, and provide a speedy and secure service. With electronic fund transfers (EFT) your quarterly payment is transferred to your account and there is 1) earlier deposit in your account, 2) no waiting for the mail, 3) no misplaced or lost checks, and 4) no trip to the bank to deposit the check. If you are interested in Electronic Fund Transfer, you can contact the Office of the Controller for the State of Maine at 626-8420 or visit their web site at <http://inet.state.me.us/osc/>. There is no cost for this option.

If you have any questions, please feel free to contact me at 624-3266 or peter.coughlan@maine.gov.

Sincerely,

Peter M. Coughlan, Director



PRINTED ON RECYCLED PAPER

FY 10 Capital Improvement Expenditures URIP Funds of \$72,855

As a result of 2007 Legislative inquiries and discussions centered around URIP, MaineDOT needs to collect additional information on the uses of URIP funding by 502 Maine municipalities, counties, and Indian reservations. This is intended to be simple and provide an easy method to collect information on the use of over \$22 million dollars per year by local agencies.

As noted on the front side of this form, URIP funding can only be spent on capital improvements in most Maine towns, except for urban compact towns/cities where urban funds can be used for maintenance or improvement to public roads.

A **capital improvement** is defined as "any work on a road or bridge which has a life expectancy of at least 10 years and restores the load-carrying capacity". Examples of eligible "capital" activities are defined as follows:

1. Medium to heavy overlays which improve the strength and ride quality (minimum 1 inch lift on a shimmed surface), pavement and/or base recycling, pavement cold planing and resurfacing
2. Road reconstruction or rehabilitation
3. Gravel road grade-raising or paving
4. Single culvert replacements or a series of drainage improvements
5. * Traffic signal or sign installation and/or replacements
6. * Sidewalk construction or reconstruction
7. * Heavy ditching, under drain and catch basin installation or total system replacement, permanent erosion control
8. * Wetland mitigation
9. * Guardrail installation
10. Bridge or minor span replacement and rehabilitation
11. Any bridge repair activities with a 10 year life
12. Local share (1/3) of a Rural Road Initiative (RRI) project on a state aid road
13. Debt financing/bond repayment for past capital improvements to public roads
14. The urban match component of any federal-aid project
15. "Banking it" to save up for a future project
16. Other (explain) _____

* Some of the categories of work (# 6, 7, 8, 9 & 10) qualify as capital improvements, but must be done in conjunction with roadway reconstruction/rehabilitation.

The "funds spent" must add up to at least the amount of your FY-11 URIP payments from 7/1/10 to 6/30/11.

1. Road Name: _____	Funds spent on Capital Improvements: \$ _____
Type of Capital Improvement: see attached, list all numbers that apply: _____	
Length of Capital improvement (miles or feet): _____ miles or _____ feet	
2. Road Name: _____	Funds spent on Capital Improvements: \$ _____
Type of Capital Improvement: see attached, list all numbers that apply: _____	
Length of Capital improvement (miles or feet): _____ miles or _____ feet	
3. Road Name: _____	Funds spent on Capital Improvements: \$ _____
Type of Capital Improvement: see attached, list all numbers that apply: _____	
Length of Capital improvement (miles or feet): _____ miles or _____ feet	
4. Urban funds (if any) used for maintenance: \$ _____	

OPTIONAL: Your municipality's TOTAL SUMMER CAPITAL IMPROVEMENT EXPENSES (including FY-11 URIP payments) were \$ _____

MAINE DEPARTMENT OF TRANSPORTATION
URBAN - RURAL INITIATIVE PROGRAM (URIP)
CERTIFICATION 2011-2012 (FY 12)
MUNICIPALITY 19280 Hampden

To be eligible to receive FY-12 URIP funds, each Municipality must **certify that the Rural Initiative funds will be used "only for Capital improvement of public roads"**. Effective July 1, 2000, as defined by Title 23, §1803-B.1.A (2), funds must be used for capital improvements to local roads and/or State Aid Minor Collector roads, or as provided by 2002 PL 565, if eligible. Effective July 1, 2008 municipalities must provide information on what capital improvements were done with the FY-11 (July 1, 2010 to June 30, 2011) URIP funds received by the municipality. See back side of form.

It is estimated that the municipality of **Hampden**, will receive **\$77,812** for the fiscal year beginning July 1, 2011. The Estimated Quarterly installments will be in the amount of: September 2011 = **\$19,453**; December 2011 = **\$19,453**; March 2012 = **\$19,453**; June 2012 = **\$19,453**.

The above amounts include **\$7,744** from the Transit Bonus Payment Program.

Notification will be made in the event of any change. Designated amounts may be adjusted if your municipality participated in the Transit Bonus Program or the Collector Road Development Awards (CRDA) Program several years ago.

Beginning in 2001, all municipalities receive a percentage of MaineDOT's portion of the Highway Fund (about 9.6% this year), rather than the former flat rate of \$600 per lane-mile. This means that the disbursements to municipalities rise and fall with MaineDOT's budget.

We, the undersigned municipal officers or designee (i.e. Town Manager) of the municipality of **Hampden**, do hereby certify that funds received from the Urban-Rural Initiative Program for the fiscal year 2011-2012 will be used only for uses as stated above. *We also certify that the previous year's funds were spent on the projects listed on the back of this form.*

Signed _____ Date ____/____/____ Signed _____ Date ____/____/____
Signed _____ Date ____/____/____ Signed _____ Date ____/____/____

Municipal E-mail Address (general delivery): _____

Municipal official to contact for information on Public Road Mileage: (Please print)

Name: _____ Title: _____ Tel: _____

If your community's mailing address for the quarterly checks has changed in the last 6 months (and you have NOT signed up for electronic fund transfer (EFT), what is the new address?

Address: _____

Town: _____ State: _____ Zip Code: _____

Prior to August 1, 2011, (see cover letter) please return this Completed Form BOTH SIDES) to:

Ms. Jackie Guimond
MaineDOT- Community Services Division
16 State House Station
Augusta, Maine 04333-0016

Tel. (207) 624-3017, FAX (207) 624-3301 or Jackie.Guimond@maine.gov

**NO URIP payments can be made until a completed form (BOTH SIDES)
is received by MaineDOT- Community Services Division.**

Please make a copy for your records.

Over please

C-4-b



TOWN OF HAMPDEN
DEPARTMENT OF PUBLIC WORKS

106 WESTERN AVE.
HAMPDEN, ME 04444

TEL 862-3337

FAX 862-3910

July 20, 2011

To: Sue Lessard
From: Chip Swan
Subject: Paper Mill Rd

We have a bad culvert on Papermill Rd. The inlet and outlet ends have dropped off. This is a dangerous situation with the drop off at the edge of pavement. I have estimated \$10,000 to fix this culvert by replacing with a new plastic culvert.

Here is the break down of cost:

Culvert	\$2500.00
Installation by Harriman Bros	\$4500.00
Paving	\$2500.00
Rip Rap	\$500.00
TOTAL	\$10,000.00

I believe these costs are not related to normal road maintenance and would ask this item be put on Monday's infrastructure committee meeting. I would like to ask the council to fund this project from Public Works reserve.

Yours truly,

Chip Swan, PWD

Maine Revised Statutes

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§1865**Title 12:****§1867**

CONSERVATION

Part 2: FORESTS, PARKS, LAKES AND RIVERS

Chapter 220: BUREAU OF PARKS AND LANDS

Subchapter 5: SUBMERGED AND INTERTIDAL LANDS

§1866. Abandoned watercraft

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Abandoned watercraft" means any watercraft that is inoperative and neglected, submerged or partially submerged or that has been left by the owner in coastal waters without intention of removal. This term includes motors, electronic and mechanical equipment and other machinery customarily used in the operation of watercraft. [1997, c. 678, §13 (NEW).]

B. "Coastal waters" means those waters within the jurisdiction of the State under Title 1, section 2, including intertidal land as defined in section 572. [1997, c. 678, §13 (NEW).]

C. "Owner" means the person who claims lawful possession of a watercraft by legal title or equitable interest in the watercraft. [1997, c. 678, §13 (NEW).]

D. "Watercraft" means any type of vessel, boat, barge, float or craft 20 or more feet in length that is used or capable of use as a means of transportation on water. "Watercraft" includes seaplanes. [1997, c. 678, §13 (NEW).]

[1997, c. 678, §13 (NEW) .]

2. Eligibility. An abandoned watercraft is subject to removal under this section only under the following conditions.

A. A permit under Title 38, section 9 has not been granted by the municipal board or commission entrusted with harbor management for the area. [1997, c. 678, §13 (NEW).]

B. A landowner has not granted permission to a watercraft owner to abandon a watercraft on that landowner's property. [1997, c. 678, §13 (NEW).]

C. Notice has been given the director within 120 days of the date that the municipal board or commission determines, in its opinion, that the watercraft has been abandoned. [2003, c. 254, §4 (AMD).]

D. [2003, c. 254, §4 (RP).]

Watercraft that have been abandoned prior to July 1, 1993 are not subject to removal under this section.

The municipal board or commission entrusted with harbor management is responsible for the notice requirements under this subsection.

[2003, c. 254, §4 (AMD) .]

3. Ownership. The municipal board or commission entrusted with harbor management shall attempt to determine the owner of a watercraft considered by that body to be abandoned.

[1997, c. 678, §13 (NEW) .]

4. Responsibility of the director. The director is responsible for the following.

A. After notification under subsection 2, the director shall investigate any report of an abandoned watercraft and give notice to the owner if an owner can be identified. The notice must require the owner to respond within 15 days and to remove the watercraft from the coastal waters within 60 days of notification by the director or, if the watercraft is icebound, within 60 days of ice-out in the body of water where the watercraft is located. If the owner of a watercraft to whom the director has given notice does not respond to the notice and remove the watercraft within the time period specified or the owner can not be identified or contacted, the director may initiate removal of the watercraft. [2003, c. 254, §5 (AMD) .]

B. Beginning July 1, 1993 the director shall establish and implement, subject to available funding, a program to remove from coastal waters those abandoned watercraft that have been reported under subsection 3. The program must provide that, if another government agency is responsible for removal of an abandoned watercraft, the director shall notify that agency of the existence of that abandoned watercraft. Funding for removal by the director comes from funds available from the Submerged Lands Fund established under section 1861. [1997, c. 678, §13 (NEW) .]

C. The director may authorize a 3rd party to remove abandoned watercraft if the director is satisfied that the work will be completed. Ninety-five percent of the proceeds from the sale of the salvaged watercraft accrue to the 3rd party and 5% accrue to the Submerged Lands Fund established under section 1861. [1997, c. 678, §13 (NEW) .]

D. Notwithstanding the time periods for owner removal specified in paragraph A, if the director determines at any time that a watercraft is a health or safety hazard, the director may immediately remove the watercraft from the coastal waters. [1997, c. 678, §13 (NEW) .]

E. If the director removes a watercraft from coastal waters under this subsection, the director may sell the watercraft. Any proceeds from the sale must first be applied to the costs to the State directly related to the expense of removal of the watercraft. Any money that remains may be applied to any liens against the watercraft. Money that finally remains must accrue to the Submerged Lands Fund established under section 1861. [1997, c. 678, §13 (NEW).]

F. Abandoned watercraft located on intertidal land may not be removed by the director without the permission of the landowner. [1997, c. 678, §13 (NEW).]

G. The director may adopt rules governing abandoned watercraft in accordance with Title 5, chapter 375. [1997, c. 678, §13 (NEW).]

[2003, c. 254, §5 (AMD) .]

5. Method of removal. The method of removal of abandoned watercraft, whether by the owner, by a 3rd party or by the State, must comply with all state and federal environmental laws.

[1997, c. 678, §13 (NEW) .]

6. Civil action. If the State is not compensated for removal costs under the provisions of subsection 4, the State may bring a civil action against the owner of the abandoned watercraft to cover any cost of state removal of the abandoned watercraft from coastal waters. The court in its discretion may award an additional 50% of the cost of removal. The penalty is payable to the submerged lands leasing program pursuant to section 1862.

[1997, c. 678, §13 (NEW) .]

SECTION HISTORY

1997, c. 678, §13 (NEW). 2003, c. 254, §§4,5 (AMD).

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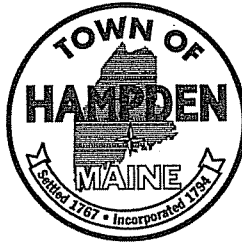
Office of the Revisor of Statutes

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Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 838-1234
Fax: (207) 838-1235
email: hampden@maine.net

C-4-d

CERTIFICATE OF COMMITMENT OF SEWER USER RATES

To: Susan M. Lessard, the treasurer of the municipality of Hampden, Maine.

We, the undersigned municipal officers of the municipality of Hampden, Maine hereby certify and commit to you a true list of the sewer rates established by us pursuant to 30-A M.R.S.A §3406 for those properties, units, and structures required by local and state law to pay a sewer rate to the municipality, for the period beginning 04/01/11 and ending 06/30/11. This list is comprised of the pages numbered 1 to 1 inclusive which are attached to this certificate. The date(s) on which the rates included in this list are due and payable is (are) 08/29/11. You are hereby required to collect from each person named in the attached list his or her respective amount as indicated in the list, the sum total of those lists being \$ 145,485.88. You are hereby required to charge interest at a rate of 7 % per annum on any unpaid account balance beginning 08/30/2011. You are hereby authorized to collect these rates and any accrued interest by any means legally available to you under State law. On or before 01/2012 you shall complete and make an account of your collections of the whole sum herein committed to you.

Given under our hands this _____ day of _____, 20__.

_____	_____
_____	_____
_____	_____
_____	_____

Municipal Officers of the Town of Hampden, Maine



C-4-e

TOWN OF HAMPDEN

TOWN CLERK'S OFFICE

COMMENTS ON:

Date of Council Action: 8/1/2011

Public Hearing: Yes No X

- ☐ Application for Liquor License
- ☒ Application for Victualer's License
- ☐ Application for Off-premises Catering
- ☐ Application for Outdoor Wood-burning Furnace License

NAME: Hampden Country Club Keith Gamble
Business Name Individual

ADDRESS: 25 Thomas Rd. PHONE: 862-9999

MAP/LOT: Map 7, Lot 51 DATE: 6/30/2011

DEPARTMENT REPORT:

Appears to be in compliance with the Town
of Hampden Victualer's Ordinance.

DATE: 7/12/11

BY: Ben J. [Signature]
Title: CODE ENFORCEMENT OFFICER

BY: Daniel A. [Signature]
Title: FIRE BUILDING INSPECTOR

TOWN OF HAMPDEN, MAINE

APPLICATION FOR VICTUALER'S LICENSE

DATE: 6-23-11 PHONE NUMBER: 862 9999

NAME(S): Keith D. Gamble

ADDRESS: 25 Thomas Rd Hampden Me 04444

NAME OF BUSINESS: Hampden Country Club

LOCATION OF BUSINESS: 25 Thomas Rd Hampden Me 04444

SIGNATURE: Keith D. Gamble

(FOR TOWN USE ONLY)

*This facility has been inspected and meets ordinance criteria.

Ben Jh
Code Enforcement Officer

Daniel H. Pugsley
Fire Inspector/Building Inspector

*All sewer user fees and personal property taxes are paid in full to date.

Cheryl M. Johnson
Tax Collector

Chas. M. Leonard
Town Treasurer

Please return completed form to: **Town Clerk**
Town of Hampden
106 Western Avenue
Hampden, ME 04444

LICENSE FEE: \$50.00 Date Received/Fee Paid: 6/23/2011 / \$50-